

Thiago M. Coelho, SBN 324715

thiago@wilshirelawfirm.com

Binyamin I. Manoucheri, SBN 336468

binyamin@wilshirelawfirm.com

WILSHIRE LAW FIRM

3055 Wilshire Blvd., 12th Floor

Los Angeles, California 90010

Telephone: (213) 381-9988

Facsimile: (213) 381-9989

Attorneys for Plaintiff Portia Mason

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

PORTIA MASON, an individual,

Plaintiff,

v.

CLARK STREET BREAD, LLC, a
California limited liability company;
and DOES 1 to 10, inclusive,

Defendants.

CASE NO.:

COMPLAINT

1. VIOLATIONS OF THE
AMERICANS WITH
DISABILITIES ACT OF 1990, 42
U.S.C. § 12181
2. VIOLATIONS OF THE UNRUH
CIVIL RIGHTS ACT,
CALIFORNIA CIVIL CODE § 51
DEMAND FOR JURY TRIAL

Plaintiff Portia Mason (hereafter “Plaintiff”) brings this action based upon personal knowledge as to herself and her own acts, and as to all other matters upon information and belief, based upon, *inter alia*, the investigations of her attorneys.

NATURE OF THE ACTION

1. Plaintiff is a visually impaired and legally blind individual who requires screen-reading software to read website content using her computer. Plaintiff uses the terms “blind” or “visually-impaired” to refer to all people with visual impairments who meet the legal definition of blindness in that they have a

1 visual acuity with correction of less than or equal to 20 x 200. Some blind people
2 who meet this definition have limited vision. Others have no vision.

3 2. Plaintiff brings this Complaint to secure redress against Clark Street
4 Bread, LLC (hereafter “Defendant”), and DOES 1-10, for its failure to design,
5 construct, maintain, and operate its website to be fully and equally accessible to and
6 independently usable by Plaintiff. Defendant’s denial of full and equal access to its
7 website, and therefore denial of its products and services offered thereby and in
8 conjunction with its physical locations, is a violation of Plaintiff’s rights under the
9 Americans with Disabilities Act (“ADA”) and California’s Unruh Civil Rights Act
10 (“UCRA”).

11 3. Because Defendant’s website, <https://clarkstreetbakery.com/> (the
12 “website” or “Defendant’s website”), is not fully or equally accessible to blind and
13 visually impaired consumers in violation of the ADA, Plaintiff seeks a permanent
14 injunction to cause a change in Defendant’s corporate policies, practices, and
15 procedures so that Defendant’s website will become and remain accessible to
16 Plaintiff and other blind and visually impaired consumers.

17 **THE PARTIES**

18 4. Plaintiff, at all times relevant and as alleged herein, is a resident of the
19 County of Los Angeles. Plaintiff is a legally blind, visually impaired, handicapped
20 person, and a member of a protected class of individuals under the ADA, pursuant
21 to 42 U.S.C. § 12102(1)-(2), and the regulations implementing the ADA set forth
22 at 28 CFR §§ 36.101 *et seq.*

23 5. Defendant is a California limited liability company with its
24 headquarters in Los Angeles, California. Defendant’s servers for the website are in
25 the United States. Defendant conducts a large amount of its business in California.
26 The physical locations where Defendant’s goods and services are sold to the public
27 constitutes a place of public accommodation. Defendant’s bakery locations provide
28 to the public important goods and services. Defendant’s website provides

1 consumers with access to a bakery that offers organic bread and pastries.
 2 Consumers can access information regarding ordering online for pickup and
 3 delivery, purchasing Defendant's merchandise, Defendant's contact details, store
 4 locations, Defendant's email subscriptions, Defendant's biography, and
 5 Defendant's social media pages.

6 6. Plaintiff is unaware of the true names, identities, and capacities of each
 7 Defendant sued herein as DOES 1 to 10. Plaintiff will seek leave to amend this
 8 complaint to allege the true names and capacities of DOES 1 to 10 if and when
 9 ascertained. Plaintiff is informed and believes, and thereupon alleges, that each
 10 Defendant sued herein as a DOE is legally responsible in some manner for the
 11 events and happenings alleged herein and that each Defendant sued herein as a DOE
 12 proximately caused injuries and damages to Plaintiff as set forth below.

13 7. Defendant's bakeries are a public accommodation within the definition
 14 of Title III of the ADA, 42 U.S.C. § 12181(7).

15 8. The website, <https://clarkstreetbakery.com/>, fosters access to the
 16 goods, services, privileges, and advantages of Defendant's bakeries, places of
 17 public accommodation, by allowing consumers to purchase the goods and services
 18 offered in its bakeries through the website.

19 JURISDICTION AND VENUE

20 9. Defendant is subject to personal jurisdiction in this District. Defendant
 21 has been and continues to commit the acts or omissions alleged herein in the Central
 22 District of California, that caused injury, and violated rights prescribed by the ADA
 23 and UCRA, to Plaintiff. A substantial part of the acts and omissions giving rise to
 24 Plaintiff's claims occurred in the Central District of California. Specifically, on
 25 several separate occasions, Plaintiff has been denied the full use and enjoyment of
 26 the facilities, goods, and services of Defendant's website in Los Angeles County.
 27 The access barriers Plaintiff has encountered on Defendant's website have caused
 28 a denial of Plaintiff's full and equal access multiple times in the past and now deter

1 Plaintiff on a regular basis from accessing Defendant's website. Similarly, the
2 access barriers Plaintiff has encountered on Defendant's website have impeded
3 Plaintiff's full and equal enjoyment of goods and services offered at Defendant's
4 brick-and-mortar locations.

5 10. This Court also has subject-matter jurisdiction over this action
6 pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 12181, as Plaintiff's claims arise
7 under Title III of the ADA, 42 U.S.C. § 12181, *et seq.*, and 28 U.S.C. § 1367.

8 11. This Court has personal jurisdiction over Defendant because it
9 conducts and continues to conduct a substantial and significant amount of business
10 in the State of California, County of Los Angeles, and because Defendant's
11 offending website is available across California.

12 12. Venue is proper in the Central District of California pursuant to 28
13 U.S.C. § 1391 because Plaintiff resides in this District, Defendant conducts and
14 continues to conduct a substantial and significant amount of business in this District,
15 Defendant is subject to personal jurisdiction in this District, and a substantial
16 portion of the conduct complained of herein occurred in this District.

17 **THE AMERICANS WITH DISABILITIES ACT AND THE INTERNET**

18 13. The Internet has become a significant source of information, a portal,
19 and a tool for conducting business, doing everyday activities such as shopping,
20 learning, banking, researching, as well as many other activities for sighted, blind,
21 and visually impaired persons alike.

22 14. In today's tech-savvy world, blind and visually impaired people have
23 the ability to access websites using keyboards in conjunction with screen access
24 software that vocalizes the visual information found on a computer screen. This
25 technology is known as screen-reading software. Screen-reading software is
26 currently the only method a blind or visually impaired person may use to
27 independently access the internet. Unless websites are designed to be read by
28 screen-reading software, blind and visually impaired persons are unable to fully

1 access websites, and the information, products, and services contained thereon.

2 15. Blind and visually impaired users of Windows operating system-
3 enabled computers and devices have several screen-reading software programs
4 available to them. Some of these programs are available for purchase and other
5 programs are available without the user having to purchase the program separately.
6 Job Access With Speech, otherwise known as "JAWS," is currently the most
7 popular, separately purchased and downloaded screen-reading software program
8 available for a Windows computer.

9 16. For screen-reading software to function, the information on a website
10 must be capable of being rendered into text. If the website content is not capable
11 of being rendered into text, the blind or visually impaired user is unable to access
12 the same content available to sighted users.

13 17. The international website standards organization, the World Wide
14 Web Consortium, known throughout the world as W3C, has published Success
15 Criteria for version 2.1 of the Web Content Accessibility Guidelines ("WCAG 2.1"
16 hereinafter). WCAG 2.1 are well-established guidelines for making websites
17 accessible to blind and visually impaired people. These guidelines are adopted,
18 implemented, and followed by most large business entities who want to ensure their
19 websites are accessible to users of screen-reading software programs. Though
20 WCAG 2.1 has not been formally adopted as the standard for making websites
21 accessible, it is one of, if not the most, valuable resource for companies to operate,
22 maintain, and provide a website that is accessible under the ADA to the public.

23 18. Within this context, the Ninth Circuit has recognized the viability of
24 ADA claims against commercial website owners/operators with regard to the
25 accessibility of such websites. *Robles v. Domino's Pizza, LLC*, 913 F.3d 898, 905-
26 06 (9th Cir. 2019), *cert. denied*, 140 S.Ct. 122, 206 L. Ed. 2d 41 (2019). This is in
27 addition to the numerous courts that have already recognized such application.

28 19. Each of Defendant's violations of the Americans with Disabilities Act

1 is likewise a violation of the Unruh Civil Rights Act. Indeed, the Unruh Civil Rights
 2 Act provides that any violation of the ADA constitutes a violation of the Unruh
 3 Civil Rights Act. Cal. Civ. Code § 51(f).

4 20. Further, Defendant's actions and inactions denied Plaintiff full and
 5 equal access to their accommodations, facilities, and services. A substantial
 6 motivating reason for Defendant to deny Plaintiff access was the perception of
 7 Plaintiff's disability. Defendant's denial of Plaintiff's accessibility was a
 8 substantial motivating reason for Defendant's conduct. Plaintiff was harmed due
 9 to Defendant's conduct. Defendant's actions and inactions were a substantial factor
 10 in causing the lack of access to Plaintiff. Unruh Civil Rights Act, Cal. Civ. Code §
 11 51.

12 21. Inaccessible or otherwise non-compliant websites pose significant
 13 access barriers to blind and visually impaired persons. Common barriers
 14 encountered by blind and visually impaired persons include, but are not limited to,
 15 the following:

- 16 a. A text equivalent for every non-text element is not provided;
- 17 b. Title frames with text are not provided for identification and
- 18 navigation;
- 19 c. Equivalent text is not provided when using scripts;
- 20 d. Forms with the same information and functionality as for sighted
- 21 persons are not provided;
- 22 e. Information about the meaning and structure of content is not
- 23 conveyed by more than the visual presentation of content;
- 24 f. Text cannot be resized without assistive technology up to 200
- 25 percent without loss of content or functionality;
- 26 g. If the content enforces a time limit, the user is not able to extend,
- 27 adjust or disable it;
- 28 h. Web pages do not have titles that describe the topic or purpose;

- i. The purpose of each link cannot be determined from the link text alone or from the link text and its programmatically determined link context;
- j. One or more keyboard operable user interface lacks a mode of operation where the keyboard focus indicator is discernible;
- k. The default human language of each web page cannot be programmatically determined;
- l. When a component receives focus, it may initiate a change in context;
- m. Changing the setting of a user interface component may automatically cause a change of context where the user has not been advised before using the component;
- n. Labels or instructions are not provided when content requires user input;
- o. In content which is implemented by using markup languages, elements do not have complete start and end tags, elements are not nested according to their specifications, elements may contain duplicate attributes and/or any IDs are not unique;
- p. Inaccessible Portable Document Format (PDFs); and
- q. The name and role of all User Interface elements cannot be programmatically determined; items that can be set by the user cannot be programmatically set; and/or notification of changes to these items is not available to user agents, including assistive technology.

FACTUAL BACKGROUND

22. Defendant offers the website, <https://clarkstreetbakery.com/>, to the public. The website offers features which should allow all consumers to access the goods and services which Defendant offers in connection with its physical

1 locations. The goods and services offered by Defendant include, but are not limited
 2 to, the following: Defendant's bakery which boasts a large selection of breads,
 3 pastries, viennoiserie, coffees, teas, soft drinks, breakfast items, sandwiches, salads,
 4 sides, and larder. Furthermore, Defendant's website allows consumers to order
 5 Defendant's bakery goods online for pickup or delivery; purchase Defendant's
 6 merchandise such as hats, t-shirts, and tote bags; learn more about the founding of
 7 the bakery; access Defendant's contact details, find store locations, signup for
 8 Defendant's email subscriptions, inquire about wholesale opportunities; access
 9 career opportunities; learn how to make sourdough at home; and access Defendant's
 10 social media pages — Facebook and Instagram.

11 23. Based on information and belief, it is Defendant's policy and practice
 12 to deny Plaintiff access to Defendant's website, and therefore to specifically deny
 13 the goods and services that are offered and integrated within Defendant's bakeries.
 14 Due to Defendant's failure and refusal to remove access barriers on its website,
 15 Plaintiff and other visually impaired persons have been and are still being denied
 16 equal and full access to Defendant's bakeries and the numerous goods, services,
 17 and benefits offered to the public through Defendant's website.

18 **DEFENDANT'S BARRIERS ON UNRUH CIVIL RIGHTS ACT, CAL. CIV.**
 19 **CODE § 51(f) DENY PLAINTIFF ACCESS**

20 24. Plaintiff is a visually impaired and legally blind person, who cannot
 21 use a computer without the assistance of screen-reading software. However,
 22 Plaintiff is a proficient user of the JAWS or NV ACCESS screen-reader(s) as well
 23 as Mac's VoiceOver and uses it to access the internet. Plaintiff has visited
 24 <https://clarkstreetbakery.com/> on several separate occasions using the JAWS and/or
 25 VoiceOver screen-readers.

26 25. During Plaintiff's numerous visits to Defendant's website, Plaintiff
 27 encountered multiple access barriers which denied Plaintiff full and equal access to
 28 the facilities, goods, and services offered to the public and made available to the

1 public on Defendant's website. Due to the widespread access barriers Plaintiff
2 encountered on Defendant's website, Plaintiff has been deterred, on a regular basis,
3 from accessing Defendant's website.

4 26. While attempting to navigate Defendant's website, Plaintiff
5 encountered multiple accessibility barriers for blind or visually impaired people that
6 include, but are not limited to, the following:

- 7 a. Lack of Alternative Text ("alt-text"), or a text equivalent. Alt-text
8 is invisible code embedded beneath a graphic or image on a website
9 that is read to a user by a screen-reader. For graphics or images to
10 be fully accessible for screen-reader users, it requires that alt-text
11 be coded with each graphic or image so that screen-reading
12 software can speak the alt-text to describe the graphic or image
13 where a sighted user would just see the graphic or image. Alt-text
14 does not change the visual presentation, but instead a text box
15 shows when the cursor hovers over the graphic or image. The lack
16 of alt-text on graphics and images prevents screen-readers from
17 accurately vocalizing a description of the image or graphic.
- 18 b. Empty Links that contain No Text causing the function or purpose
19 of the link to not be presented to the user. This can introduce
20 confusion for keyboard and screen-reader users;
- 21 c. Redundant Links where adjacent links go to the same URL address
22 which results in additional navigation and repetition for keyboard
23 and screen-reader users; and
- 24 d. Linked Images missing alt-text, which causes problems if an image
25 within a link does not contain any descriptive text and that image
26 does not have alt-text. A screen reader then has no content to
27 present the user as to the function of the link, including information
28 or links for and contained in PDFs.

1 27. Recently in 2022, Plaintiff attempted to do business with Defendant
2 on Defendant's website and Plaintiff encountered barriers to access on Defendant's
3 website. Plaintiff has visited prior iterations of the website,
4 <https://clarkstreetbakery.com/>, and also encountered barriers to access on
5 Defendant's website.

6 28. Despite past and recent attempts to do business with Defendant on its
7 website, the numerous access barriers contained on the website and encountered by
8 Plaintiff, have denied Plaintiff full and equal access to Defendant's website.
9 Plaintiff, as a result of the barriers on Defendant's website, continues to be deterred
10 from accessing Defendant's website. Likewise, based on the numerous access
11 barriers Plaintiff has been deterred and impeded from the full and equal enjoyment
12 of goods and services offered in Defendant's bakeries.

13 **DEFENDANT'S WEBSITE HAS A SUFFICIENT NEXUS TO**
14 **DEFENDANT'S BAKERY LOCATIONS TO SUBJECT THE WEBSITE**
15 **TO THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES**
16 **ACT**

17 29. In the Ninth Circuit a denial of equal access to a website can support
18 an ADA claim if the denial has prevented or impeded a visually impaired plaintiff
19 from equal access to, or enjoyment of, the goods and services offered at the
20 defendant's physical facilities. *See Martinez v. San Diego County Credit Union*, 50
21 Cal. App. 5th, 1048, 1063 (2020) (citing *Robles v. Domino's Pizza, LLC*, 913 F.3d
22 898, 905-06 (9th Cir. 2019)).

23 30. Defendant's website is subject to the ADA because the goods and
24 services offered on the website are an extension of the goods and services offered
25 in Defendant's brick-and-mortar bakeries. For example, the goods and the services
26 which can be procured online are available for purchase in Defendant's brick-and-
27 mortar bakeries. Thus, since the website "facilitate[s] access to the goods and
28 services of a place of public accommodation", the website falls within the protection

1 of the ADA because the website “connects customers to the goods and services of
2 [Defendant’s] physical” bakeries. *Robles*, 913 F.3d at 905.

3 31. Defendant’s website is replete with barriers, including but not limited
4 to, links and linked images that that do not have discernible names because of
5 Defendant’s failure to code its website so that alternative text can be read aloud by
6 Plaintiff’s screen-reader, which impede Plaintiff from accessing the goods and
7 services of Defendant’s brick-and-mortar bakeries. For example, when Plaintiff
8 attempted to access the website and make a purchase, Plaintiff’s screen-reader was
9 not able to read a description of the item being presented. If Defendant had
10 sufficiently coded the website to be readable by Plaintiff’s screen-reader, Plaintiff
11 would have been able to interact with these elements and completed a purchase as
12 a sighted person could.

13 32. Accordingly, Plaintiff was denied the ability to browse and make a
14 purchase, because Defendant failed to have the proper procedures in place to ensure
15 that content uploaded to the Website contains the proper coding to convey the
16 meaning and structure of the Website and the goods and services provided by
17 Defendant.

18 **DEFENDANT MUST REMOVE BARRIERS TO ITS WEBSITE**

19 33. Due to the inaccessibility of the Defendant’s website, blind and
20 visually impaired customers such as Plaintiff, who need screen-readers, cannot fully
21 and equally use or enjoy the facilities and services Defendant offers to the public
22 on its website. The access barriers Plaintiff has encountered have caused a denial
23 of Plaintiff’s full and equal access in the past and now deter Plaintiff on a regular
24 basis from accessing the website.

25 34. These access barriers on Defendant’s website have deterred Plaintiff
26 from enjoying the goods and services of Defendant’s brick-and-mortar bakeries
27 which are offered through Defendant’s website in a full and equal manner to sighted
28 individuals. Plaintiff intends to visit the Defendant’s website in the near future if

1 Plaintiff could access Defendant's website as a sighted person can.

2 35. If the website were equally accessible to all, Plaintiff could
3 independently navigate the website and complete a desired transaction, as sighted
4 individuals do.

5 36. Plaintiff, through Plaintiff's attempts to use the website, has actual
6 knowledge of the access barriers that make these services inaccessible and
7 independently unusable by blind and visually impaired people.

8 37. Because simple compliance with WCAG 2.1 would provide Plaintiff
9 with equal access to the website, Plaintiff alleges that Defendant engaged in acts of
10 intentional discrimination, including, but not limited to, the following policies or
11 practices: constructing and maintaining a website that is inaccessible to visually-
12 impaired individuals, including Plaintiff; failing to construct and maintain a website
13 that is sufficiently intuitive so as to be equally accessible to visually-impaired
14 individuals, including Plaintiff; and failing to take actions to correct these access
15 barriers in the face of substantial harm and discrimination to blind and visually-
16 impaired consumers, such as Plaintiff, as a member of a protected class.

17 38. The Defendant uses standards, criteria or methods of administration
18 that have the effect of discriminating or perpetuating the discrimination against
19 others, as alleged herein.

20 39. The ADA expressly contemplates the injunctive relief that Plaintiff
21 seeks in this action. In relevant part, the ADA requires:

22 In the case of violations of ... this title, injunctive relief shall include
23 an order to alter facilities to make such facilities readily accessible to
24 and usable by individuals with disabilities Where appropriate,
25 injunctive relief shall also include requiring the ... modification of a
policy 42 U.S.C. § 12188(a)(2).

26 40. Because Defendant's website has never been equally accessible, and
27 because Defendant lacks a corporate policy that is reasonably calculated to cause
28 the Defendant's website to become and remain accessible, Plaintiff invokes 42

1 U.S.C. § 12188(a)(2) and seeks a permanent injunction requiring the Defendant to
2 retain a qualified consultant acceptable to Plaintiff to assist Defendant to comply
3 with WCAG 2.1 guidelines for Defendant's website. The website must be
4 accessible for individuals with disabilities who use desktop computers, laptops,
5 tablets, and smartphones. Plaintiff seeks that this permanent injunction require
6 Defendant to cooperate with the agreed-upon consultant to: train Defendant's
7 employees and agents who develop the website on accessibility compliance under
8 the WCAG 2.1 guidelines; regularly check the accessibility of the website under
9 the WCAG 2.1 guidelines; regularly test user accessibility by blind or vision-
10 impaired persons to ensure that the Defendant's website complies under the WCAG
11 2.1 guidelines; and develop an accessibility policy that is clearly disclosed on the
12 Defendant's website, with contact information for users to report accessibility-
13 related problems and require that any third-party vendors who participate on the
14 Defendant's website to be fully accessible to the disabled by conforming with
15 WCAG 2.1.

16 41. If Defendant's website were accessible, Plaintiff could independently
17 access information about the services offered and goods available for online
18 purchase.

19 42. Although Defendant may currently have centralized policies regarding
20 maintaining and operating Defendant's website, Defendant lacks a plan and policy
21 reasonably calculated to make Defendant's website fully and equally accessible to,
22 and independently usable by, blind and other visually impaired consumers.

23 43. Defendant has, upon information and belief, invested substantial sums
24 in developing and maintaining Defendant's website, and Defendant has generated
25 significant revenue from Defendant's website. These amounts are far greater than
26 the associated cost of making Defendant's website equally accessible to visually
27 impaired customers.

28 44. Without injunctive relief, Plaintiff will continue to be unable to

1 independently use Defendant's website, violating her rights.

2 **COUNT I**

3 **VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT, 42**

4 **U.S.C. § 12181 *ET SEQ.***

5 45. Plaintiff alleges and incorporates herein by reference each and every
6 allegation contained in paragraphs 1 through 44, inclusive, of this Complaint as if
7 set forth fully herein.

8 46. Section 302(a) of Title III of the ADA, 42 U.S.C. § 12181 *et seq.*,
9 provides: "No individual shall be discriminated against on the basis of disability in
10 the full and equal enjoyment of the goods, services, facilities, privileges,
11 advantages, or accommodations of any place of public accommodation by any
12 person who owns, leases (or leases to), or operates a place of public
13 accommodation." 42 U.S.C. § 12182(a).

14 47. Under Section 302(b)(2) of Title III of the ADA, unlawful
15 discrimination also includes, among other things: "a failure to make reasonable
16 modifications in policies, practices, or procedures, when such modifications are
17 necessary to afford such goods, services, facilities, privileges, advantages, or
18 accommodations to individuals with disabilities, unless the entity can demonstrate
19 that making such modifications would fundamentally alter the nature of such goods,
20 services, facilities, privileges, advantages or accommodations"; and "a failure to
21 take such steps as may be necessary to ensure that no individual with a disability is
22 excluded, denied services, segregated or otherwise treated differently than other
23 individuals because of the absence of auxiliary aids and services, unless the entity
24 can demonstrate that taking such steps would fundamentally alter the nature of the
25 good, service, facility, privilege, advantage, or accommodation being offered or
26 would result in an undue burden." 42 U.S.C. § 12182(b)(2)(A)(ii)-(iii). "A public
27 accommodation shall take those steps that may be necessary to ensure that no
28 individual with a disability is excluded, denied services, segregated or otherwise

1 treated differently than other individuals because of the absence of auxiliary aids
2 and services, unless the public accommodation can demonstrate that taking those
3 steps would fundamentally alter the nature of the goods, services, facilities,
4 privileges, advantages, or accommodations being offered or would result in an
5 undue burden, i.e., significant difficulty or expense.” 28 C.F.R. § 36.303(a). In
6 order to be effective, auxiliary aids and services must be provided in accessible
7 formats, in a timely manner, and in such a way as to protect the privacy and
8 independence of the individual with a disability.” 28 C.F.R. § 36.303(c)(1)(ii).

9 48. Defendant’s bakeries are a “public accommodation” within the
10 meaning of 42 U.S.C. § 12181 *et seq.* Defendant generates millions of dollars in
11 revenue from the sale of its amenities and services, privileges, advantages, and
12 accommodations in California through its locations, related services, privileges,
13 advantages, and accommodations, and its website, <https://clarkstreetbakery.com/>, is
14 a service, privilege, advantage, and accommodation provided by Defendant that is
15 inaccessible to customers who are visually impaired like Plaintiff. This
16 inaccessibility denies visually impaired customers full and equal enjoyment of and
17 access to the facilities and services, privileges, advantages, and accommodations
18 that Defendant makes available to the non-disabled public. Defendant is violating
19 the Americans with Disabilities Act, 42 U.S.C. § 12181 *et seq.*, in that Defendant
20 denies visually impaired customers the services, privileges, advantages, and
21 accommodations provided by <https://clarkstreetbakery.com/>. These violations are
22 ongoing.

23 49. Defendant’s actions constitute intentional discrimination against
24 Plaintiff on the basis of a disability in violation of the Americans with Disabilities
25 Act, 42 U.S.C. § 12181 *et seq.* in that: Defendant has constructed a website that is
26 inaccessible to Plaintiff; maintains the website in this inaccessible form; and has
27 failed to take adequate actions to correct these barriers even after being notified of
28 the discrimination that such barriers cause.

1 under the ADA shall also constitute a violation of the Unruh Civil Rights Act.

2 55. The actions of Defendant were and are in violation of the Unruh Civil
3 Rights Act, California Civil Code § 51 *et seq.*, and, therefore, Plaintiff is entitled to
4 injunctive relief remedying the discrimination.

5 56. Plaintiff is also entitled to statutory minimum damages pursuant to
6 California Civil Code § 52 for each and every offense.

7 57. Plaintiff is also entitled to reasonable attorneys' fees and costs.

8 58. Plaintiff is also entitled to a preliminary and permanent injunction
9 enjoining Defendant from violating the Unruh Civil Rights Act, California Civil
10 Code § 51 *et seq.*, and requiring Defendant to take the steps necessary to make
11 <https://clarkstreetbakery.com/> readily accessible to and usable by visually impaired
12 individuals.

13 PRAYER FOR RELIEF

14 WHEREFORE, Plaintiff respectfully requests that the Court enter judgment
15 in her favor and against Defendant as follows:

- 16 A. A preliminary and permanent injunction pursuant to 42 U.S.C. §
17 12188(a)(1) and (2) and section 52.1 of the California Civil Code
18 enjoining Defendant from violating the Unruh Civil Rights Act and
19 ADA and requiring Defendant to take the steps necessary to make
20 <https://clarkstreetbakery.com/> readily accessible to and usable by
21 visually-impaired individuals;
- 22 B. An award of statutory minimum damages of \$4,000 per offense
23 pursuant to section 52(a) of the California Civil Code.
- 24 C. For attorneys' fees and expenses pursuant to California Civil Code §§
25 52(a), 52.1(h), and 42 U.S.C. § 12205;
- 26 D. For pre-judgment interest to the extent permitted by law;
- 27 E. For costs of suit; and
- 28 F. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, on behalf of herself, hereby demands a jury trial for all claims so triable.

Dated: September 9, 2022

Respectfully Submitted,

/s/ Thiago M. Coelho

Thiago M. Coelho

Binyamin I. Manoucheri

WILSHIRE LAW FIRM

Attorneys for Plaintiff Portia Mason